

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Cooperation Department – Andhra Pradesh Co-operative Societies Rules, 1964 –
Certain Amendments – Orders – Issued.

AGRICULTURE & COOPERATION (COOP.III) DEPARTMENT

G.O.Ms.No. 219

Dated: 24.12.2012.
Read the following:-

- 1) G.O.MS.No.1941, Food & Agriculture Department, Dated: 27- 07 -1964.
- 2) G.O.MS.No.30, Information Technology & Communications Department,
Dated: 09- 08 -2012.
- 3) From the Commissioner for Cooperation and Registrar of Cooperative
Societies, A.P.Hyderabad, Lr.Rc.No.19843/2012 /UBL – 1, Dt. 15/11/2012.

ORDER:

The following Notification will be published in the Andhra Pradesh State Gazette

NOTIFICATION

In exercise of the powers conferred by sub-section (i) of section 130 of the Andhra Pradesh Cooperative Societies Act, 1964 (Act, 7 of 1964), the Government hereby makes the following amendments to the Andhra Pradesh Co-operative Societies Rules, 1964 issued in G.O. Ms. No.1941, Food & Agriculture Department, dt.27/07/1964 and as subsequently amended from time to time.

AMENDMENT

In the said rules,

- (1) in rule 2, after clause (p), the following shall be added, namely;-
 - (q) “Electronic Auction (e-Auction)” means “an online Auction which is conducted on Internet of an authorized agency identified by the Government”.
 - (r) “Electronic Auctioneer (e-Auctioneer)” means “an agency appointed as an auctioneer to assist sale officer in the process of e-Auction through their official Website”.
- (2) in rule 52,
 - (a) under sub-rule (5),-
 - (i) for clause (i), the following shall be substituted namely :-

“(i) The sale officer shall on the day previous to and on the day of sale cause a proclamation of the time and place of the intended sale to be made by beat of drum in the village in which the defaulter resides and in such place or places as the Registrar may consider necessary to give due publicity to the sale or through any other mode of advertisement deem fit to give wide publicity. No sale shall take place until after the expiration of a period of fifteen days from the date on which sale notice has been served or affixed in the manner prescribed in clause (a):

Provided that where the property seized is subject to speedy and natural decay, or where the expense of keeping it in custody is likely to exceed its value, the sale officer may sell it at any time, before the expiry of the said period of fifteen days, unless the amount due is paid earlier or a stay order is obtained”.

- (ii) for clause (j), the following shall be substituted namely :-

“(j) At the appointed time, the property shall be sold in public auction / e-Auction in terms of one or more lots as directed by the sale officer and shall be disposed of to the highest bidder:

Provided that it shall be open to the sale officer to decline to accept the highest bid where the price offered appears to be unduly low or for other reasons”.

- (iii) for clause (l), the following shall be substituted namely :-

“(l) The property shall be paid for in cash at the time of sale or **in case of e-auction shall be paid for in cash within three working days from the date of sale** or as soon thereafter as the sale officer shall appoint and the purchaser shall not be permitted to carry away any part of the property until he has paid for it in full. Where the purchaser fails in the payment of purchase money, the property shall be resold”.

- (b) under sub-rule (11),-

- (i) for clause (d), the following shall be substituted namely :-

“(d) Where attachment is required before sale, the sale officer shall if possible, cause a notice of attachment to be served on the defaulter personally. Where personal service is not possible, the notice shall be affixed in some conspicuous part of the defaulter’s last known residence, if any. The fact of attachment shall also be proclaimed by beat of drum at some place on or adjacent to such property and at such other place or places or through any other mode of advertisement deem fit to give wide publicity as the Registrar of the district may consider necessary to give due publicity to the sale. The attachment notice shall set-forth that unless the amount due with interest and expenses be paid within the date therein mentioned the property will brought to sale. A copy shall be sent to the decree-holder, where the sale officer so directs the attachment shall also be notified by public proclamation in the district gazette”;

- (ii) for clause (e), the following shall be substituted namely :-

“(e) Proclamation of sale shall be published by affixing as notice at the office of the Registrar of the district and taluk office atleast thirty days before the date fixed for the sale and also beat of drum in the village on two consecutive days previous to the date of sale and on the day of sale **or through any other mode of advertisement deem fit to give wide publicity**. Such

proclamation shall, where attachment is required before sale be made after the attachment has been effected. Notice shall also be given to the decree-holder and the defaulter. The proclamation shall state the time and place of sale and specify as fairly and accurately as possible.

- (i) the property to be sold;
- (ii) any encumbrance to which the property is liable;
- (iii) the amount for the recovery of which sale is ordered; and
- (iv) Every other matter which the sale officer considers material for a purchaser to know in order to judge the nature and value of the property.

(iii) For clause (f), the following shall be substituted,namely:-

“(f) When any immovable property is sold under these rules, the sale shall be subject to the prior encumbrances on the property, if any. The decree-holder shall, when the amount for the realization of which the sale is held , exceeds one hundred rupees, furnish to the sale officer within such time as may be fixed by the sale officer or by the Registrar of the district, an encumbrance certificate from the Registration Department for a period of not less than twelve years prior to date of attachment of the property, sought to be sold or in a case falling under the proviso to sub-rule (10), prior to the date of the application for execution. The time for production of the encumbrance certificate may be extended at discretion of the sale officer or the Registrar of the district, as the case may be. The sale shall be by public auction / e-Auction to the highest bidder, provided that it shall be open to the sale officer to decline or accept the highest bid where the price offered appears to be unduly low or for other reasons and provided also that the Registrar of the district or the sale officer may, in his discretion adjourn the sale to a specified day and hour, recording his reasons for such adjournment. Where a sale is so adjourned for a longer period than seven days a fresh proclamation under clause (e) shall be made, unless the judgment-debtor consents to waive it. The sale shall be held after the expiry of not less than thirty days calculated from the date on which notice of the proclamation was affixed at the office of the Registrar of the district. The Mode, time and place of sale shall be fixed by the Registrar of the district and the place of sale shall be the village (or town) where the property to be sold is situated or such adjoining prominent place of public resort as may be fixed by the said Registrar:

Provided that in cases where an encumbrance certificate is not obtainable owing to the destruction of the connected records, an affidavit from the village karanam in regard to the encumbrance known to him supported by a certificate from the Registration Department that the encumbrance certificate cannot be granted owing to the destruction of the connected records, shall be accepted in the place of an encumbrance certificate”.

(iv) for clause (g), the following shall be substituted, namely,-

“(g) A sum of money equal to fifteen per cent of the price of the immovable property shall be deposited by the purchaser which the sale officer at the time of the purchase or in case of e auction other date as prescribed by the Sale Officer but not more than Three days from the date of sale and in default of such deposit, the property shall forthwith be resold:

Provided that where the decree-holder is the purchaser and is entitled to set off the purchase money under Clause (k), the sale officer shall dispense with the requirement of this rule”.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

I.Y.R.KRISHNA RAO
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Commissioner of Printing , Stationery & Stores Purchases,
Hyderabad with a request to publish the Notification in the A.P. State Gazzete
and supply 50 copies of the same.
The Commissioner for Cooperation & Registrar of Cooperative Societies, A. P.,
Hyderabad.
Copy to:
All the District Cooperative Officers in the State.

// FORWARDED:: BY ORDER //

SECTION OFFICER